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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH: JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 1445/1997

RAJASTHAN NYAYIK KARAMCHARI PARISHAD, RAJASTHAN & ANR.

Vs.

THE HIGH COURT OF JUDICATURE FOR RAJASTHAN & ORS.

Date: 18.10.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Lokesh Sharma for the petitioners.

Mr. A.K. Sharma for the respondents No.1.

In this writ petition the short question involved is with regard to implementation of the prescription of norms of the posts of Ministerial Cadre issued by the Finance Department, Government of Rajasthan vide order date 26.05.92. In the aforesaid order, following norms are prescribed:-

(a) There shall be one post of UDC against two posts of LDC i.e. the posts of UDC and the posts of LDC in a Department shall be in the ratio of 1:2.

(b) There shall be one post of Office Assistant against three posts of UDC i.e. the posts of Office Assistant and the post of UDC in a Department shall be in the ratio of 1:3.

(c) On the total of every 35 posts of LDC, UDC and Office Assistant in an

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Office of the Department, there shall be one post of Office Superintendent for that office.

Explanation:

Office of the Head of Department and the Offices of Zonal/Regional officers or District Officers etc. shall be treated as separate offices for this purpose and the number of posts of Office Superintendent for each office of the Department shall be determined separately on the above basis.

(d) There shall be one post of Administrative Officer against three posts of Office Superintendent in the Department.

Notes:

1. Fraction of posts shall be ignored.

2. Norms as above will be implemented by restructuring the existing pattern of Ministerial Staff in the Department and no new posts shall be created.

3. Posts as per above norms will come into existence on issue of an order to this effect by the Administrative Department with concurrence of Finance Department.

4. If the existing posts of UDC, Office Assistant, Office Superintendent or Administrative Officer are in excess of the number of posts working out on the basis of the above norms, the same shall continue for the present for adjustment in the future."

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For implementation of the aforesaid norms, each Head of the Department shall move proposal for restructuring of existing pattern of ministerial staff in the Department with relevant informations in the enclosed proforma through Administrative Department to the concerned expenditure cell of the Finance Department. Since it is related with the judicial department, therefore, the High Court have to furnish the information as required vide order dated 26.05.92.

In the reply submitted on behalf of the High Court, it is categorically stated that on receipt of the order dated 26.05.92, a direction was issued on 19.08.92 to the District Judges to sent the information directly. It is also stated that when the judgship wise information was received by the Registrar, the same was sent to the Government. Thereafter also, further correspondence was continued and when the Government desired for Court-wise information, the same was also sent. On behalf of the respondent High Court, the details of correspondence vide letters dated 15.02.99, 15.05.99, 24.06.99, 28.07.99, 17.08.99, 16.9.99 and 25.10.2000 is also annexed along with the reply. Since all the requisite information has been furnished to the State Government, it is no doubt that decision is to be taken by the State Government.

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The State Government has not filed any reply despite service of notice upon the respondent-State.

I have considered the averments made in the writ petition as also the submissions made on behalf of the respondent High Court.

As desired vide order dated 26.05.92, all the requisite information has already been sent by the High Court to the State Government. So far as implementation part, the same lies with the Government. Therefore, the Government is directed to do needful in this regard expeditiously pursuant to the order dated 26.05.92 passed by the Finance Department, Government of Rajasthan.

With these observation, the writ petition stands allowed. The respondents are directed to implement the order as per the information furnished by the Rajasthan High Court following the norms prescribed by the Finance Department, Government of Rajasthan vide order dated 26.05.92.

(K.S. RATHORE), J.

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